

MONTGOMERY COUNTY DEPARTMENT OF POLICE



ANNUAL USE-OF-FORCE REPORT 2022

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Chief's Message

There is no more controversial and complex measure of police performance than the Use-of-force.

We take the use of force very seriously. All reported use-of-force incidents are subject to various levels of supervisory and executive review to ensure that not only does each use-of-force by all officers involved comply with the policy, but any evidence of misconduct is identified and immediately referred through appropriate channels for follow-up action by established agency procedures.

We take complaints about inappropriate and unnecessary uses of force and accountability extremely seriously; that is why all complaints, regardless of the source, severity, or nature of the specific allegations, are promptly and thoroughly investigated by our Internal Affairs Division. In some cases, these cases are reviewed by an agency outside of Montgomery County.

We constantly train our officers in de-escalation techniques and have guidelines for how our officers use force depending on the level of resistance they encounter. We monitor best practices nationwide to develop model use-of-force policies for our officers.

While "use-of-force" may sound simple, it is anything but. The words may produce visions of the most severe techniques our officers may apply, but the reality is that the words represent a range of actions.

Effective February 1, 2022, pointing a weapon, such as a Taser, a service weapon, or pepper spray, at someone is now considered a use-of-force. We alter our policies after internal review and due to new legislation approved by the County Council and signed by the County Executive.

Effective July 1, 2022, the intentional use of any physical effort by law enforcement, other than compliant handcuffing or unresisted escorting to control, restrain, or place an individual in custody, replaced the previous use-of-force reason of "anytime force is used to counteract a physical struggle."

As you will see in the report, there were 1,415 use-of-force reports for 2022, contrasted with 593 for 2021. Reporting numbers without context is misleading. The number of incidents we report for 2022 cannot be directly compared to those from earlier years. The pointing of a weapon and a broader definition of physical struggle is largely responsible for these increases.

With updated reporting requirements, the types of force most commonly used by officers are their hands, primarily as a control technique or escorting a subject, and then the pointing of a weapon. Other methods, such as batons, Tasers, and pepper spray, were reduced.



The report also tracks contributing factors in which force is used. For example, in 33 percent of cases, a subject is suffering from mental illness, 20 percent were under the influence of alcohol, and 14 percent were under the influence of drugs.

There is a great deal of information contained in this report. I encourage you to contact me with any specific questions via e-mail at CHIEFMCPD@montgomerycountymd.gov.

A handwritten signature in black ink, appearing to read 'M. G. Jones', written in a cursive style.

Marcus G. Jones
Chief of Police

Introduction

The annual report data is obtained from *Use-of-force* reports completed by officers for incidents in 2022 when some force or action was used in response to resistance. This report is intended to provide an overview of these incidents and identify trends and other issues that need to be addressed.

To provide transparency and better data analysis, Mandatory Reporting Requirements were significantly expanded in 2022. As anticipated, the expanded reasons now requiring the completion of a Use-of-force Report have created a sharp increase in Use-of-force Reports. ***Because of the changes implemented, the use-of-force data within this year's report cannot be compared directly with prior years' data. Instead, additional data will need to be collected to create future comparisons.***

The excessive use of force – a violation of policy and law – is always wrong. As a result, recent police reform initiatives, conversations, and policy/law changes focus on *reducing* the need to use force even when force may be appropriate. Police have the right to use force to effectuate a legitimate law enforcement objective, such as making an arrest or otherwise maintaining public safety.¹ Police, like civilians, also have the right to use appropriate force to defend themselves or others.

Nationally, police use of force is rare. In a recent federal survey², of the 54 million people who had contact with police in 2020, two percent indicated police either threatened to or did use force. In Montgomery County, less than one percent of contacts with police involved the use of force, well below the national average. Types of force used by police may include any of the following:

- Verbal commands or warnings can include simple instructions or requests to stop or more forceful commands to comply with police orders.
- Physical control: This may include soft physical tactics to control subjects without injury, such as handcuffing or guiding a subject to another location. Hard physical control involves using physical force to subdue a subject, such as tackling or wrestling.
- Chemical Agents: Pepper spray or tear gas, used to control a situation or subdue a subject resisting arrest.
- Impact Weapons: These include batons, tasers, or rubber bullets, which are designed to incapacitate a suspect without causing serious injury.
- Firearms: This is the most extreme force and should only be used as a last resort. Police officers may use deadly force to protect themselves or others when they perceive a threat of serious bodily harm or death.

When a police officer decides to use force, it must be ***necessary*** and ***proportional***. This assessment is specific to the time, place, officer, and other situational conditions that help determine the totality of the circumstances and if the force was necessary and objectively reasonable.

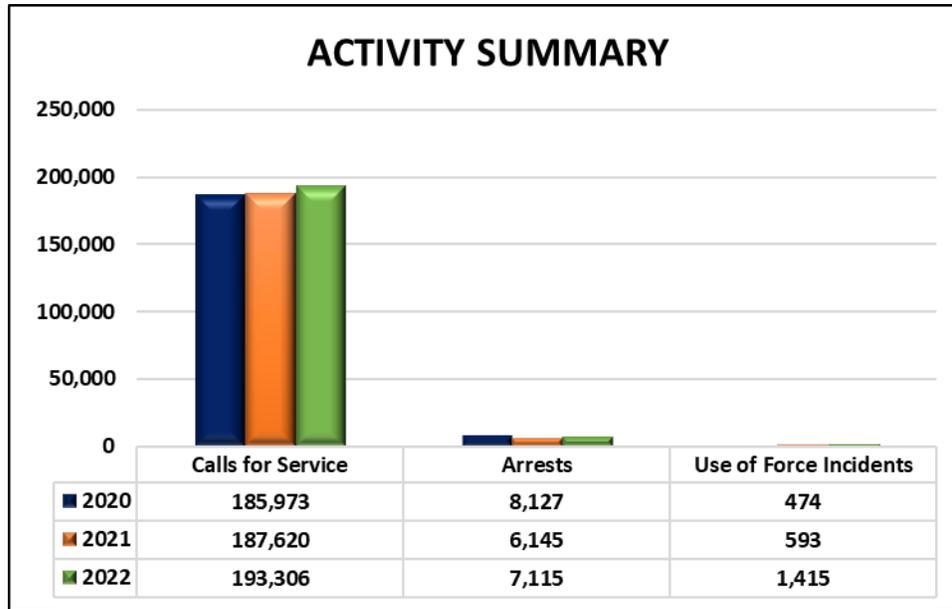
The Montgomery County Department of Police (MCPD) has historically and consistently established use-of-force policies based on the fundamental principles that prioritize the safety, dignity, and value of every human life, including the life of its police officers, and in compliance with the Constitution of the United States, the State of Maryland, as well as case law established by the Supreme

¹ Use-of-force Council Briefing, Legislative Analyst Susan Farag

² [Contacts Between Police and the Public](#), 2020.



Figure 1. *Calls for Service, Arrests, Use-of-Force Incidents Chart*



By changing the definition of physical struggle, a sharp increase in reports was anticipated; for example, a subject tensing their body or pulling their arm away would not have previously generated a Use-of-Force Report.

The MCPD's use-of-force policies reflect current and evidence-based research, national trends, and best practices. MCPD strives to be proactive in its approach to policy development and training, a position that ensures our guidance reflects applicable laws and legal mandates. The Commission on Accreditation for Law Enforcement Agencies (CALEA) also requires annual reporting and analysis of Department use-of-force policies and procedures. Adhering to CALEA requirements ensures our agency will identify necessary policy modifications or trends and improve training and officer safety while providing timely information to address any use-of-force issues.

Participation in CALEA is the primary method for a police agency to demonstrate its commitment to excellence in law enforcement voluntarily by systematically conducting an ongoing internal review and assessment of the agency's operations, policies, and procedures and adjusting wherever necessary to meet a body of internationally accepted standards. The MCPD is dedicated to creating a culture of safety, transparency, and accountability and has been a CALEA-accredited law enforcement agency since 1993.

The authority to use force in response to resistance when legitimately required remains a foundational pillar of the rule of law. It is essential to keep communities safe and to protect the officers charged with enforcing the law. The decision to exercise force must be based on the circumstances the officer reasonably believes to exist. However, officers must sometimes make split-second decisions about the force necessary for a particular situation, with limited information and tense, uncertain, and rapidly evolving circumstances.



In 2022, MCPD revised the use-of-force policy (changes are highlighted below):

- *Anytime force is used to counteract a physical struggle; (NEW: Effective July 1, 2022, the intentional use of any physical effort(s) by law enforcement other than compliant handcuffing or unresisted escorting to control, restrain, or place an individual in custody replaced the previous use-of-force reason of "anytime force is used to counteract a physical struggle.")*
- *Following the use of any force which results in an injury to an individual;*
- *When individual claims to have been injured due to the use of force;*
- *Whenever force is applied using a protective instrument;*
- *Whenever a firearm is discharged other than authorized target practice;*
- *Whenever a department canine (K9) inflicts injury on any subject or suspect in conjunction with a canine deployment;*
- *Accidental discharge of a firearm;*
- *Anytime an officer is assaulted or ambushed;*
- *Pointing a Conducted Energy Weapon (CEW / Taser), a service weapon, or Oleoresin Capsicum (OC / Pepper) spray at an individual. (NEW: Effective February 1, 2022).*

By requiring the pointing of a weapon to be added to use-of-force reporting, another increase in reports was anticipated; previously, when a subject became compliant after facing a Taser beam, a Use-of-Force Report would not have been completed.

An on-duty patrol supervisor must respond to all *Conducted Energy Weapon (CEW)* deployments, firearm discharges (except for the humane destruction of non-domestic animals), use of 12-gauge impact projectiles, and any use-of-force incident that results in serious bodily injury or in-custody death. Supervisors are also required to notify the MCPD Major Crimes Division of any situations that meet the following criteria:

- *All intentional firearm discharges by a team member, whether injuries occur or not, except authorized range practice or the destruction of dangerous or injured animals;*
- *All accidental firearm discharges by a team member that results in an injury to anyone, including the involved officer; and*
- *All incidents where an individual sustains a life-threatening injury due to police action.*

All use-of-force reports are reviewed to verify compliance with department policy, first by a patrol supervisor, then a district executive, and finally by an assistant chief.

The Department's *Body Worn Camera (BWC)* program includes approximately 1,000 officers equipped with cameras. This technology helps document interactions between the police and individuals involved in the majority of calls for service and helps promote agency accountability and transparency; and is a useful tool for increasing officer professionalism, improving officer training, preserving evidence, supporting prosecutions, and accurately documenting law enforcement interactions with the public. Applicable body camera footage is reviewed during the multi-layered use-of-force reviews. Training issues are addressed, and improper uses of force are investigated.

Legislative/Policy Changes in 2022:

To comply with Montgomery County Bill 45-20, effective February 1, 2022, pointing a service weapon, taser, or pepper spray at an individual now requires officers to complete a *Use-of-force Report (MCP37)*. The *MCP37* was updated to capture this required information.

Effective July 1, 2022, "counteracting a physical struggle," a term used to signify the need for the use-of-force report, was expanded to include "Anytime the Intentional Use of **any Physical Effort(s)**, other than Compliant Handcuffing or Unresisted Escorting, are used to control, restrain, or place an individual in custody," as a mandatory reason to complete a Use-of-force Report. In the second half of 2022, the number of reports for "counteracting a physical struggle" rose by 35%. It is anticipated that 2023 numbers will be even higher, as it will be the first full year of the new policy.

Also, effective July 1, 2022, the Use-of-Force Policy was renamed "*Response to Resistance and Use-of-Force*." The updated policy shifted from "reasonable and necessary" to "necessary and proportional." Policy updates, in alignment with Bill 45-20, included prioritizing the safety and dignity of every human life; promoting fair and unbiased policing; prohibiting department members from using deadly force unless necessary as a last resort to prevent imminent and serious bodily injury or death to the officer or another person, when the use of force creates no substantial risk of injury to a third person; protecting vulnerable populations; adding a duty to intervene, prioritizing the use of de-escalation when feasible and safe to do so, and clarifying certain prohibitions.

Training in CY2022:

To address the increasing use of force related to mental health concerns, MCPD requires all new officers to receive forty hours of Crisis Intervention Training (CIT). The MCPD is evaluating Recommendations by the *Effective Law Enforcement For All (ELE4A)* Audit to offer CIT Recertification periodically and to create a specialized cadre of officers prioritized for response to higher-level calls for service.

The agency now utilizes a secondary clearance code system to capture service call data with a mental health nexus. While mental health concerns are woven into the fabric of multiple service call types, our former tracking mechanism only captured when the mental health concern was the lone or primary purpose of the call, i.e., an EEP. By gathering the expanded data, better resources can be developed, more comprehensive CIT training will be provided, and resources such as staffing, strategy, and analysis for alternative response options can be developed. The continued data evaluation will further develop efforts to reduce force in crisis or mental health-related calls for service.

In 2021, the Maryland legislature passed the Police Accountability Act, which created a law where officers could be charged with a crime in certain use-of-force incidents. This law and the accompanied policy change adjusted the standard by which officers can use force from objectively reasonable to necessary and proportional. This training was provided to all active sworn personnel and county security in CY22.³

Conducted Energy Weapon (CEW / Taser) New User/Transition

In 2022, the Department switched its Conducted Energy Weapon⁴ platforms from the TASER X2 to the TASER 7. The TASER 7 model is a newer device with significant improvements from the TASER X2. During this transition training, officers were required to complete 11 use-of-force scenarios successfully. The scenarios included deadly force encounters, less lethal force encounters, de-escalation, and duty-to-intervene situations. In addition to transitioning current users, the Department increased by

³ [Legislation - HB0670 \(maryland.gov\)](https://legislation.maryland.gov/)

⁴ AXON, TASER, and TASER 7 are Axon Enterprise, Inc trademarks.

5% the number of TASER operators, and 400 new Tasers were purchased to replace older models. The Department will continue to expand the TASER program in 2023 adding additional users.

Recruit De-escalation Training

In 2022, the Police Executive Research Forum (PERF)'s ICAT (Integrating Communication, Assessment, and Tactics) training guide was taught to all recruits during entry-level training. This training guide teaches officers about de-escalations and offers alternative ways to resolve situations without force. This is a 19-hour training program that all recruits complete.⁵

Use-of-Force In-Service Training

In 2022, all sworn officers, sergeants, and below received a two-hour instruction on using force during their in-service training. During these hours, instructors discussed some of the ICAT de-escalation concepts. During the class, officers were reminded of tactics and techniques to slow situations down so de-escalation could be attempted. They were also instructed on the Five Universal Truths of Human Interaction.⁶

Analysis

The calls-for-service vs. use-of-force data indicates that force is consistently used in less than 1% of incidents. In 2022 the rate was 0.73%, meaning seven uses of force for every 1,000 calls. The arrests vs. use of force statistics indicate that one in five arrests (20%) involved a use-of-force incident.

Figure 2. *Number of Calls for Service, Arrests, and Use-of-Force Reports in 2022*

Category	2022
Calls for Service	193,306
Arrests	7,115
Use-of-Force Reports	1,415 <i>(503 ONLY Pointing, 912 Use-of-force)</i>

⁵ [icattrainingguide.pdf \(policeforum.org\)](#)

⁶ [The Five Universal Truths of Human Interaction \(police1.com\)](#)



Figure 3. Number of Calls for Service from 2018 to 2022

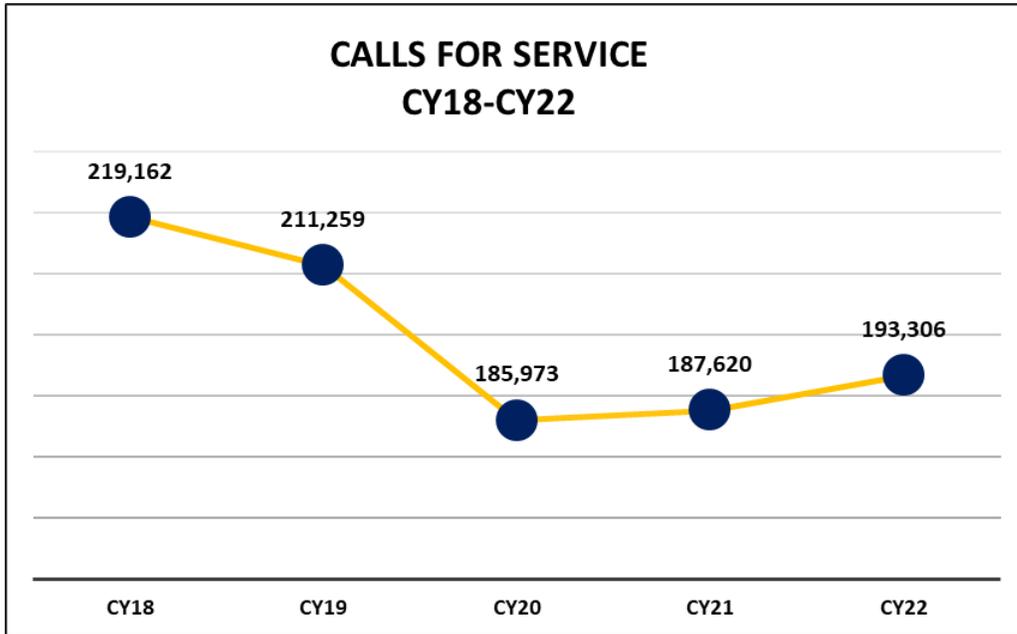
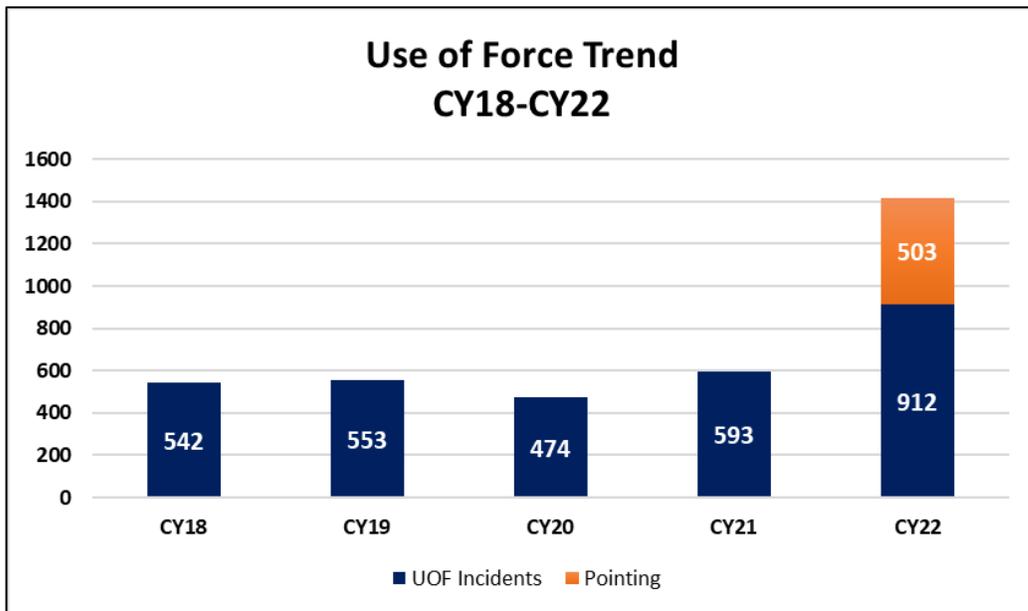


Figure 4. Use-of-Force Trend from 2018 to 2022



*Note: There may be an overlap where an incident includes pointing a weapon **and** another type of force. In CY22, 503 incidents included only the pointing of a weapon. Due to legislative changes, data from 2021 cannot be directly compared to 2022.*



Use-of-force-related Allegations

In 2022, 11 use-of-force-related cases involving 27 allegations from external and internal sources were reviewed by the MCPD Internal Affairs Division (IAD), compared to 11 cases and 25 allegations received in 2021. The IAD ensures that all allegations of excessive force, regardless of their source, are thoroughly reviewed and investigated and that corrective action is taken for improper conduct.

Information regarding these investigations is summarized in IAD annual reports published on the Department's website. IAD also shares pertinent data with the public as part of the County's dataMontgomery program, an integral element of the Department's community policing philosophy and ongoing commitment to maintaining a culture of transparency. Summary information concerning allegations/complaints brought to the attention of IAD from external or internal sources can be reviewed at

<https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2/data>

Expanding the definition of "counteract a physical struggle" to include "any physical effort" means that extremely minimal uses of force, which would not have been reported in the past, are now reported.



Use of Force in Response to Resistance

Frequency of Occurrence

Figure 5. Use-of-Force Incidents in Response to Resistance by Month, Day of Week, and by Time of Day

Month	Day of Week	Time Of Day
January 56	Sunday 182	12:00 AM - 3:59 AM 210
February 100	Monday 190	4:00 AM - 7:59 AM 92
March 132	Tuesday 205	8:00 AM - 11:59 AM 185
April 98	Wednesday 229	12:00 PM - 3:59 PM 258
May 122	Thursday 250	4:00 PM - 7:59 PM 332
June 120	Friday 216	8:00 PM - 11:59 PM 338
July 137	Saturday 143	
August 103		
September 117		
October 152		
November 140		
December 138		

In 2022, *October* and *November* reported the highest number of incidents in which force was used in response to resistance, with *October* making up 11% of all use-of-force incidents and *November* at 10%. *January* and *April* reported the fewest incidents, with *January* making up 4% of all use-of-force incidents and *February* at 7%. The remaining months had an average of 52 incidents per month.

The data shows that in 2022, incidents involving force in response to resistance occurred consistently throughout most days of the week, with *Thursdays* reporting the most incidents, 18%, and *Saturdays* reporting the fewest incidents, 10%.

There is a variable trend in that the rate of incidents of force occurrence steadily increased through the morning and mid-afternoon hours (8:00 AM – 3:59 PM, 31%), peaking in the late afternoon to late evening (4:00 PM and 11:59 PM, 47%), and then declined in the early morning hours (12:00 AM – 7:59 AM, 21%). This trend is similar to calls for service volume throughout the day.

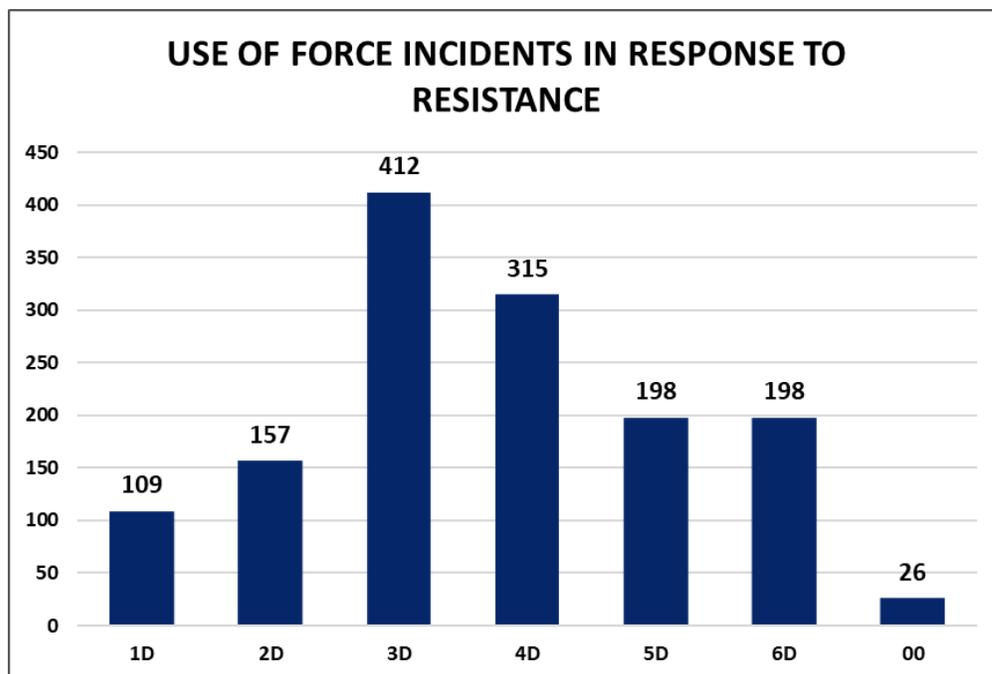


Use of Force in Response to Resistance

District of Occurrence

In 2022, use-of-force incidents in response to resistance reported in *Silver Spring* (3D) and *Wheaton* (4D) comprised more than half (51%) of the use-of-force incidents reported is consistent with the Department's overall calls for service and total arrests.

Figure 6. *Use-of-Force Incidents in Response to Resistance by District*



**Note: District '00' refers to reported incidents outside Montgomery County. The use-of-force incidents summarized in this report are based on the location (i.e., district) where force in response to resistance was used, not necessarily the district that the officers are assigned to or where the event may have originated.*

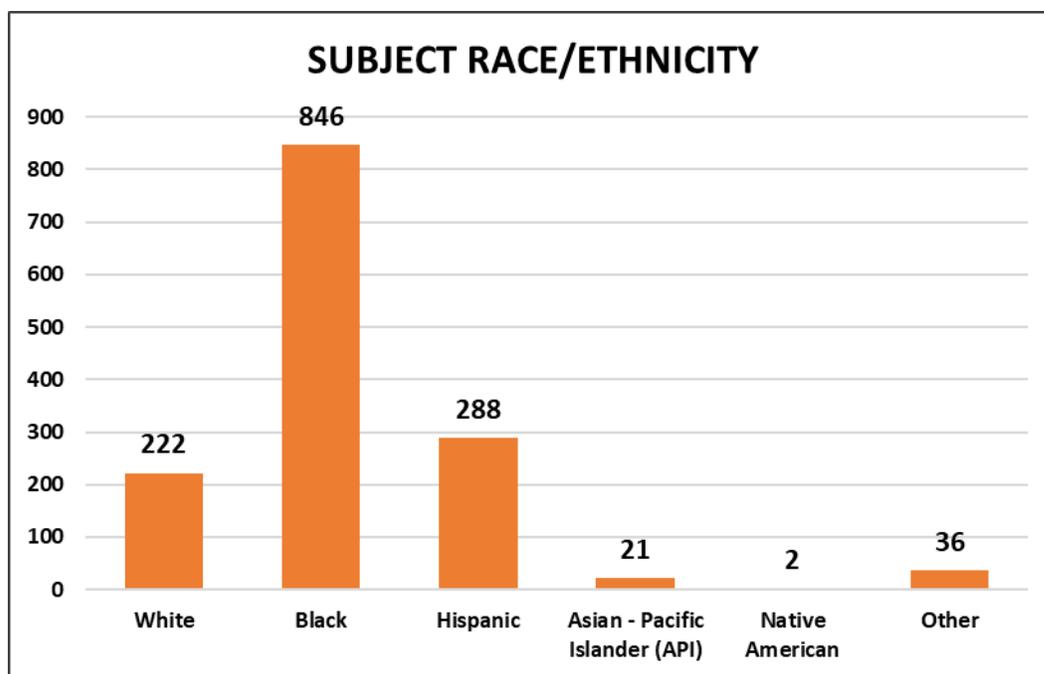


Demographics of Subjects and Officers

In 2022, the categories of *White*, *Black*, *Hispanic*, *Asian-Pacific Islander (API)*, and *Native American* subjects remained statistically consistent with the category breakdown in 2021. Sixteen percent of the subjects involved in encounters that resulted in some force in response to resistance were *White*, 59% were *Black*, 20% were *Hispanic*, and 1% were *Asian or Pacific Islander*.

Examining a breakdown of all 911 calls during 2022 in which a caller requesting police assistance provided a suspect description, 28% of suspects were *White*, 44% were *Black*, 24% were *Hispanic*, and 4% were *Asian-Pacific Islanders*.

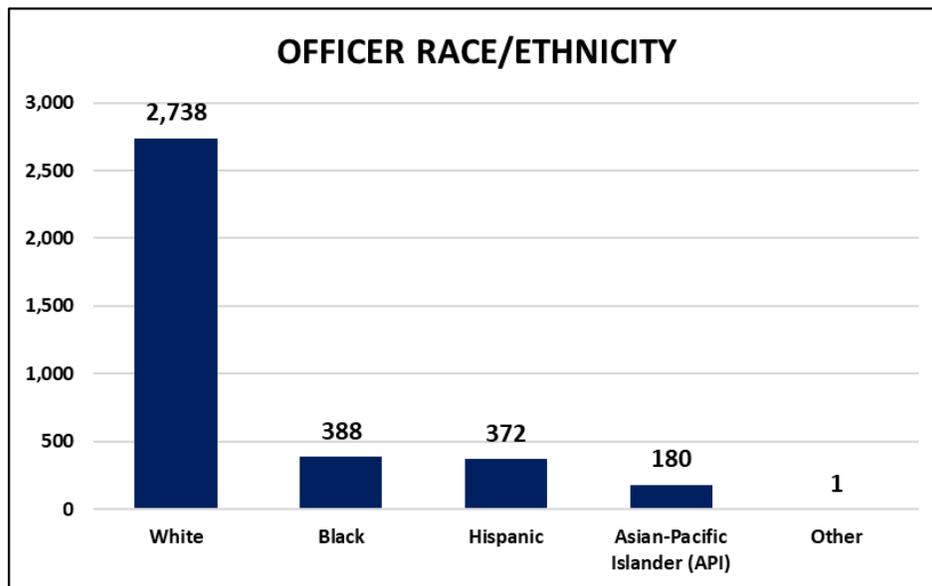
Figure 7. Subject Race and Ethnicity Involved in Use-of-Force Incidents



**Note: Race categories were standardized in CY22 to reflect the terms: White, Black, Hispanic, Asian-Pacific Islander (API), and Native American. Categories were previously listed as Caucasian, African American, Latino, Asian, or American Indian in CY21. It should be noted that these categories are not exhaustive and do not capture the diversity within and among different racial and ethnic groups. Some individuals may not identify with any of these or may identify with multiple categories.*

There were 3,679 officers involved in the 1,415 use-of-force incidents. During most calls for service, a primary officer is dispatched, and at least one additional officer responds as a backup unit. Consequently, in most circumstances where force in response to resistance is used, multiple officers may be involved in one incident. Officer data includes all 3,679 officers involved in the 1,415 use-of-force incidents. [Figures 8, 11, 13, 23, 25]. Subject data includes all 1,415 subjects involved [Figures 7, 10, 12, 22, 24].

Figure 8. Officer Race and Ethnicity Involved in Use-of-Force Incidents



**Note: Race categories were standardized in CY22 to reflect the terms: White, Black, Hispanic, Asian-Pacific Islander (API), and Native American. Categories may have been previously listed as Caucasian, African American, Latino, Asian, or American Indian. It should be noted that these categories are not exhaustive and do not capture the diversity within and among different racial and ethnic groups. Some individuals may not identify with any of these or may identify with multiple categories.*

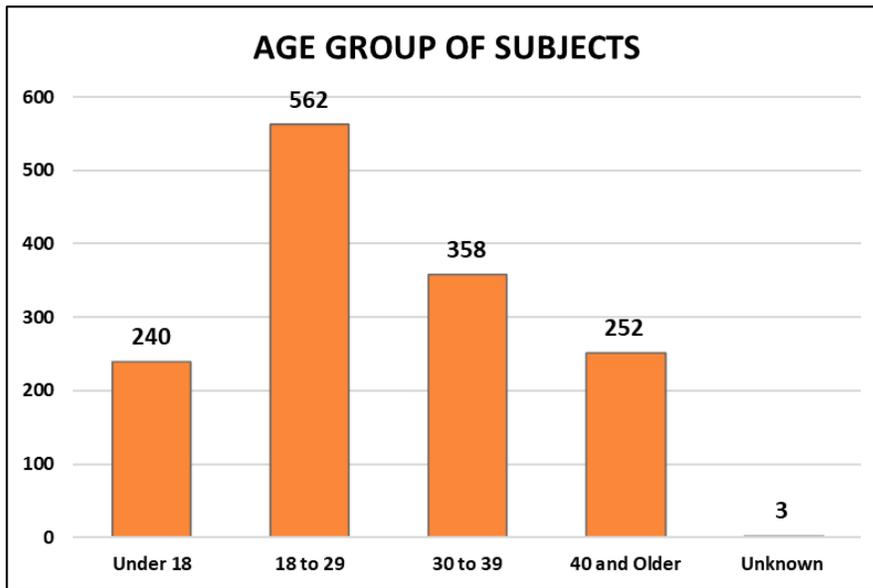
In 2022, 74% of the officers involved in encounters with subjects that resulted in some force in response to resistance being used were *White*, 11% were *Black*, 10% were *Hispanic*, 5% were *Asian or Pacific Islander*, and one officer identified as "*Other*." An officer's demographics can be captured more than once based on the total incidents in which they were involved. This information remains consistent with the *demographics* of the Department's sworn personnel complement.

Figure 9. Demographics of sworn personnel complement, effective December 2022

Race	Female	Male	Grand Total
White	172	704	876
Black	42	101	143
Hispanic	22	84	106
Asian-Pacific Islander	8	46	54
Native American	1	1	2
Total	245	936	1,181

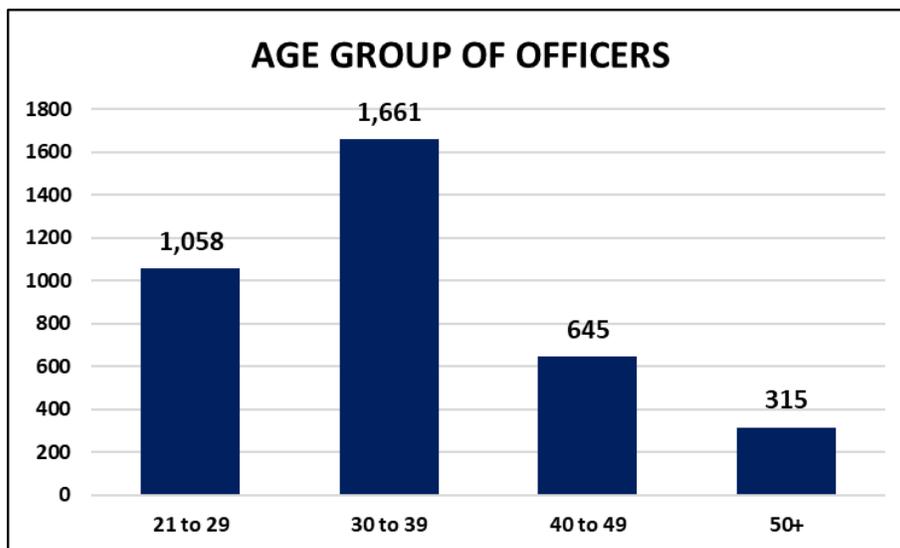


Figure 10. *Age Groups of Subjects Involved in Use-of-Force Incidents*



In 2022, use-of-force data indicated that 17% of subjects were *under 18 years old*, 65% were 18-39, while subjects in the *40 and older* age group accounted for 18% of the total use-of-force incidents. The average age of the subjects across all age groups for 2022 was 30.

Figure 11. *Age Groups of Officers Involved in Use-of-Force Incidents⁷*

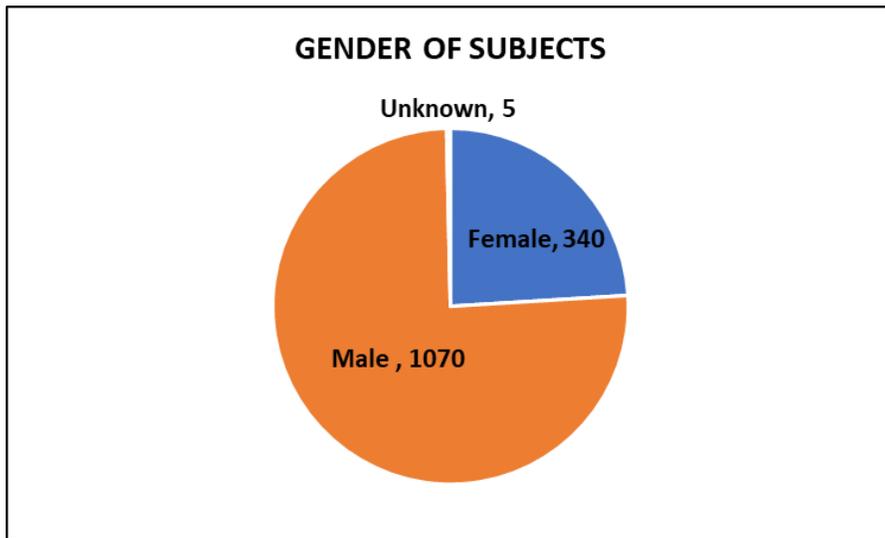


In 2022, 29% of officers were aged 21 to 29, 45% were aged 30 to 39, 18% were 40 to 49, and 9% were 50 or above. An officer's demographics can be captured more than once based on the total incidents in which they were involved.

⁷ The minimum age to be a certified Police Officer in Maryland is 21.

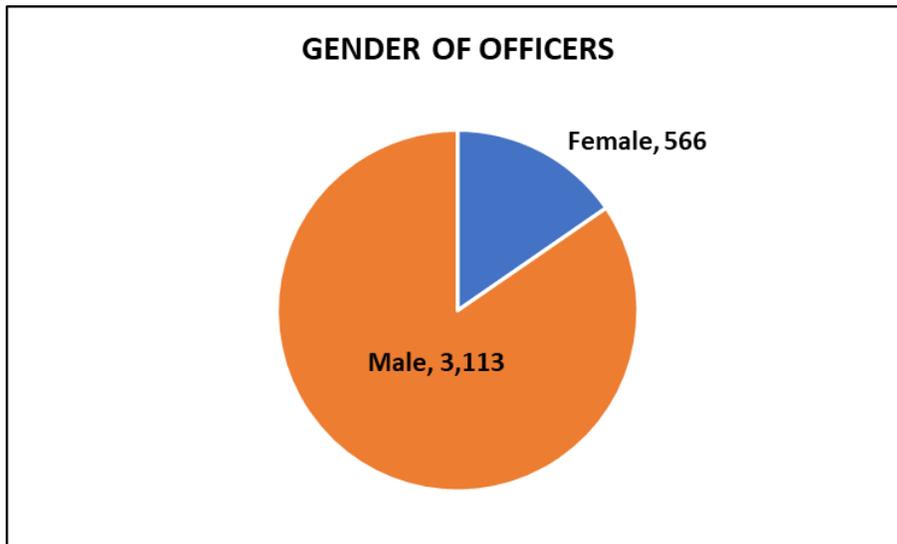


Figure 12. *Gender of Subjects Involved in Use-of-Force Incidents*



Of the use-of-force incidents, 24% of the subjects were female, and 76% of the subjects were male.

Figure 13. *Gender of the Officers Involved in Use-of-Force Incidents*



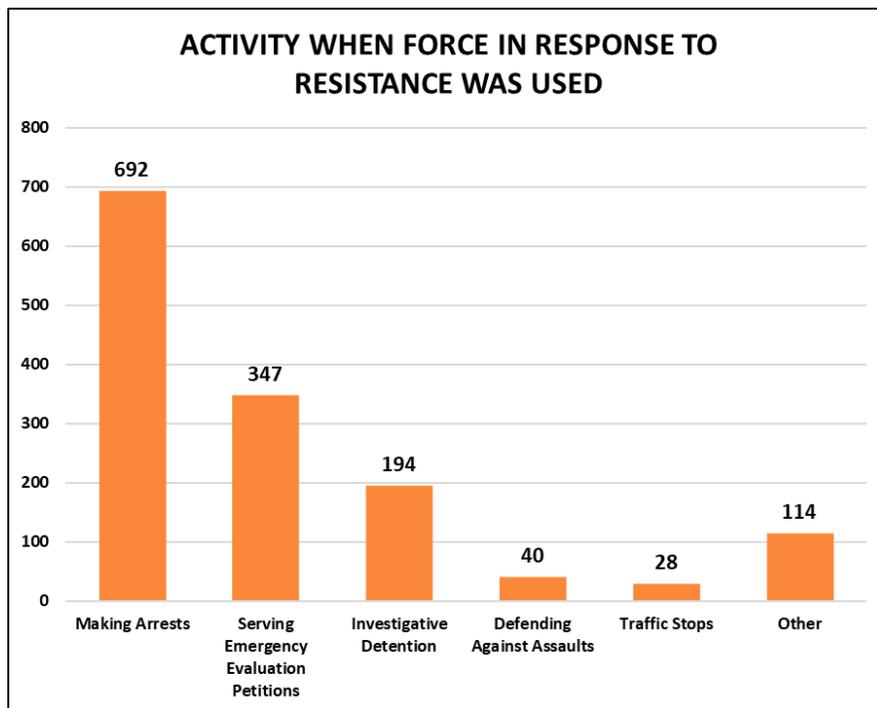
Of the use-of-force incidents, 15% of the officers involved were female, and 85% were male.



Activity When Force in Response to Resistance was Used

In 2022, making or attempting to make an arrest, serving an emergency evaluation petition, and defending against assault accounted for 76% of the activities where officers needed to employ some force in response to resistance.

Figure 14. Primary Activity when Use-of-Force in Response to Resistance was Used



The category "other" can include warrant service, transporting, demonstrations, or assisting another agency, such as Fire-Rescue or Hospital Security.

There are two types of classifications related to mental health concerns. In one case, officers respond to a service call in which the primary concern has nothing to do with mental health, but the mental health of the involved subject becomes a contributing factor while the call is being handled. [See Figure 24]

The second type, [Figure 14], is when officers respond to service calls whose *primary* concern is an individual's mental health. These incidents typically involve an Emergency Evaluation Petition (EEP) for an individual suffering a mental health disorder, demonstrating they are a current danger to themselves or others and being involuntarily evaluated at a medical facility.

While anyone in crisis can *voluntarily* seek help, many deny needing any. Often, loved ones request assistance on behalf of the person in crisis. The contentious nature of an EEP call and the requirement to place an unwilling subject into handcuffs during transport to a medical facility generated many of our use-of-force reports.

A three-year review of the total number of Emergency Evaluation Petitions that were served



(CY20: 2207, CY21: 2327, CY22: 2417) compared with the number of use-of-force reports generated while "Serving Emergency Evaluation Petitions" (CY20: 129, CY21: 227, CY22: 347) reveals that both are on the rise.

While the total number of EEP calls is up 9.5%, a similar comparison cannot be made using EEP-related uses-of-force due to the expanded reporting requirements. In 2022, 24% of all uses-of-force involved an EEP, and 14% of EEP calls generated a Use-of-Force Report. Numbers can be used to create future comparisons.

Traffic Stops

In 2022, there were 35,949 traffic stops conducted by MCPD personnel. Twenty-eight use-of-force incidents stemmed from only a traffic stop (0.08%).

Figure 15. *Use of Force Events that Stemmed from Traffic Stops*

CY22 Total Traffic Stops	35,949
CY22 Use of Force Events that Stemmed from Traffic Stops	28

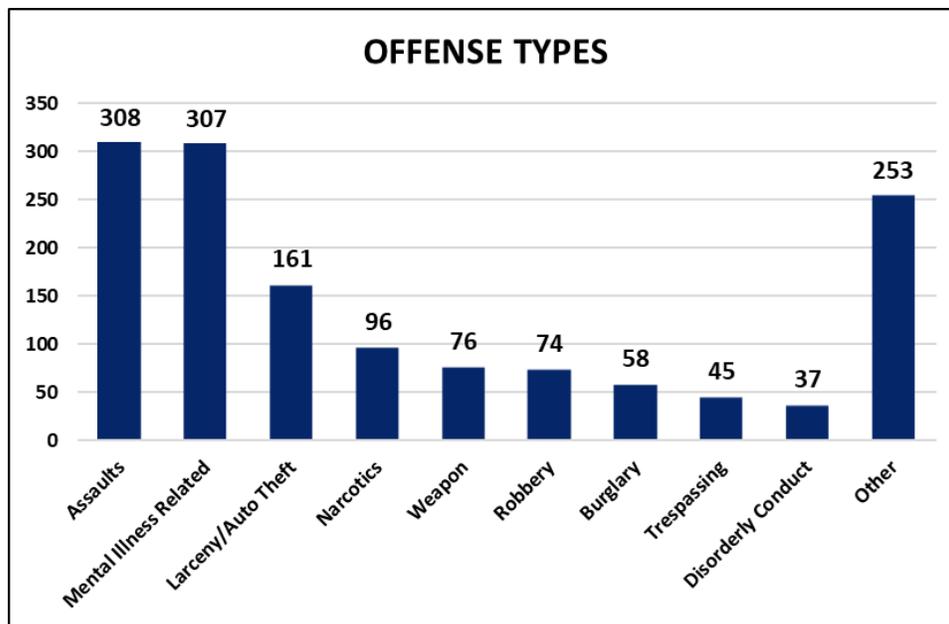


Offenses Where Force in Response to Resistance was Used

Assaults, Emergency Evaluation Petition (EEP) calls, larceny and narcotic/DUI offenses accounted for 62% (872 out of 1,415) of use-of-force responses to resistance incidents.

Another five percent were related to *weapons* offenses, five percent to *Robbery* Offenses., four percent to *burglary* offenses, three percent to *trespassing* and three percent to *disorderly conduct*. Remaining incidents involved *arson, homicide, police information, and vandalism*.

Figure 16. *Offense Types*



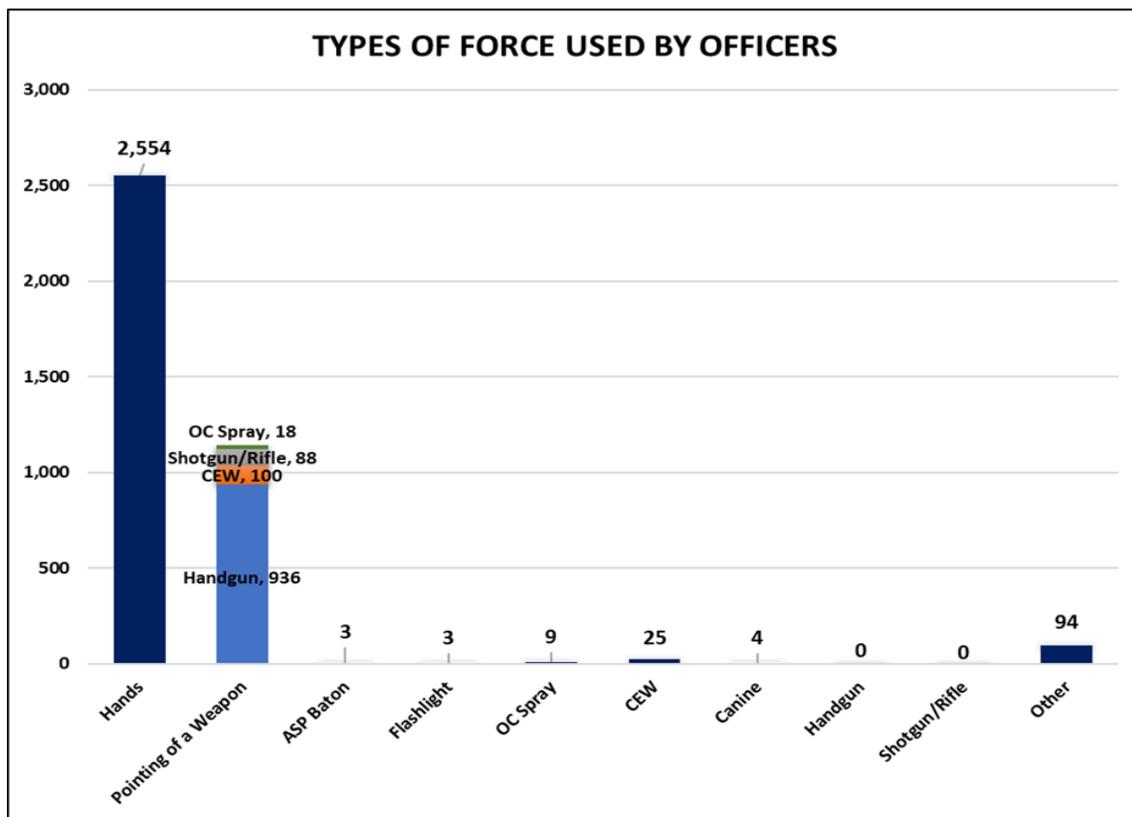
Types of Force Used by Officers and Subjects

The following charts show the breakdown of the leading *types of force* used by *officers* and *subjects* in 2022. For officers, of the 1,415 use-of-force events, 503 of the events only involved pointing a weapon. The remaining 912 events involved one or multiple reportable factors and may include additional weapon pointings.

Figure 17 includes all 3,800 types of force used by 3,679 officers during all 1,415 use-of-force incidents in 2022.

One officer may use multiple types of force, so the total types of force used (3,800) do not match the total number of officers (3,679). For example, an armed robbery suspect held at gunpoint (not shot), then tased and later escorted into the jail would count as three of the 3,800 uses of force (handgun/ point; taser/dischage; hands/escort).

Figure 17. *Types of Force Used by Officers in Response to Resistance.*



When force was used, 67% of the time, officers used their hands to respond to resistance (2,554 out of 3,800). When hands were used (2,554 times), 70% of the time, hands were used as a control technique, 28% as an escort, and 2% of the time to deliver strikes.

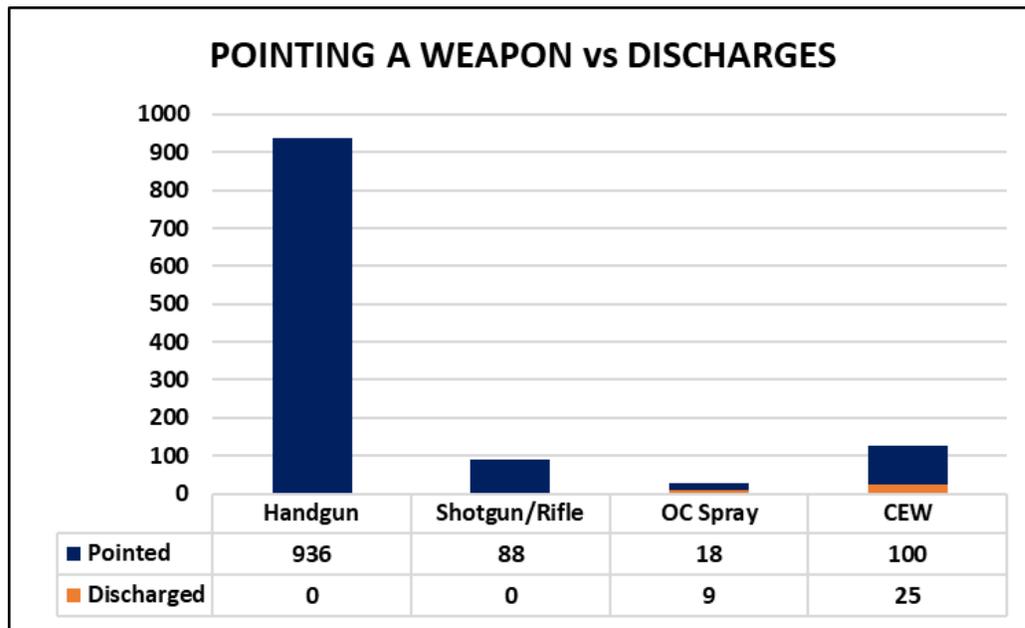


When force was used, officers pointed a weapon 30% of the time (1,142 out of 3,800). When a weapon was pointed (1,142 times), 83% of the time, it was a handgun (936); nine percent of the time, it was a Taser (100); eight percent of the time, it was a Rifle/Shotgun (88); and one percent of the time, it was OC spray (18).

There were no handgun or long gun (shotgun/rifle) discharges; however, the CEW / Taser was discharged 25 times, and OC sprayed nine times. Other types of force (3%) include vehicles, knees, and feet.

Pointing a Weapon

Figure 18. *Pointing of a Weapon vs. Discharges*

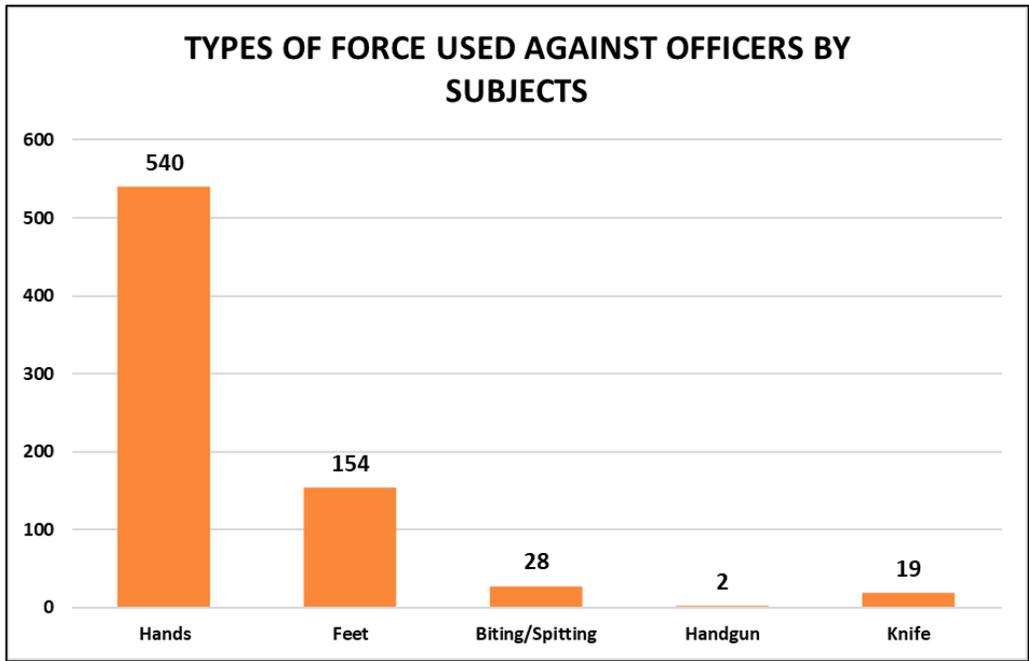


When a handgun was pointed (936 times), zero discharges were reported in 2022. When a shotgun/rifle was pointed (88 times), zero discharges were reported in 2022. When OC spray was pointed (18 times), nine discharges were reported in 2022 (50%). When a CEW/Taser was pointed (100 times), there were 25 discharges reported in 2022 (25%).

In prior years, only the 34 incidents involving weapon *discharge*, not the 1,108 other pointings, would have been included in the report.

Of the 1,415 total use of force incidents, 503 events ONLY involved a weapon's pointing, not discharging, and none of these 503 events would have been previously reported.

Figure 19. *Types of Force Used Against Officers by Subjects*



Note: In some incidents, subjects (and multiple subjects) used more than one type of force against officers. The chart does not reflect the 'other' types of force subjects use.

By contrast, types of force used by a subject against an officer were recorded 1,415 times. As is the case with the types of force used by officers, hands were also the most common type of force used by subjects against officers in 2022, which accounted for 38% of incidents. Subjects used feet 11% of the time, biting/spitting 2% of the time, and knives 1% of the time.

Some additional types of force used by subjects against officers included *body weight* (59), *fleeing* (35), *active resistance* (27), *passive resistance* (26), *knees* (23), *vehicles* (26), *charging* (14), *shoulders* (7), *rocks*, *metal poles*, *screwdrivers*, and *urine*.

In two instances, a suspect used a handgun to *shoot at* officers in 2022. Fortunately, no officers were injured, and both subjects were arrested.



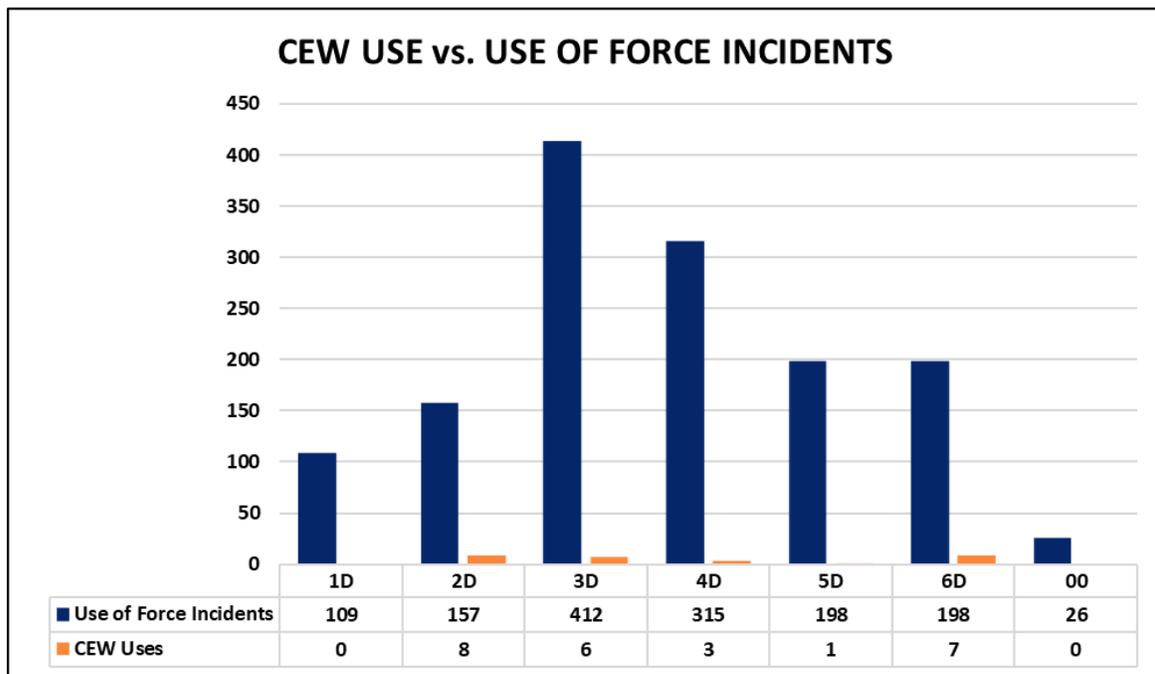
Conducted Energy Weapon (CEW)

Effective July 1, 2020, the Department began to expand the issuance of CEWs; they will now be issued to all sworn officers who work in an assignment that routinely involves public contact. The Department currently has 328 officers that are qualified and authorized to carry *Conducted Energy Weapons* (CEWs). These officers have completed extensive training and certification before being issued a *CEW*. This training requires officers to attend 40 hours of *Crisis Intervention Training* (CIT). After successful completion, officers are also required to complete annual recertification training to be authorized to continue to carry a *CEW*.

Note: As of February 2023, the department purchased 400 newer model CEWs to replace older model CEWs.

In 2022, a *CEW* was pointed 100 times and deployed 25 times. The chart below shows *CEW* use by district compared to the total number of reported use-of-force (UoF) incidents in each district in 2022.

Figure 20. *Conducted Energy Weapon Use vs. Use-of-Force Incidents*



Note: District designation '00' represents incidents outside Montgomery County. CEW was also formerly called ECW, as seen in previous reports.

The data shows that a *CEW* was deployed 25 times (25 discharges in 22 incidents). Historically, *Silver Spring* (3D) and *Wheaton* (4D) are the districts where officers traditionally respond to a large number of calls for service and involve offenses that often result in arrests where some type of force in response to resistance is necessary, including more frequent use of protective instruments such as *CEWs*. However, the data for 2022 shows that 84% (21 out of 25 deployments) occurred in *Bethesda* (2D), *Silver Spring* (3D), and *Gaithersburg* (6D). In 2022, *CEW* deployments occurred the most frequently in *Bethesda* (2D).



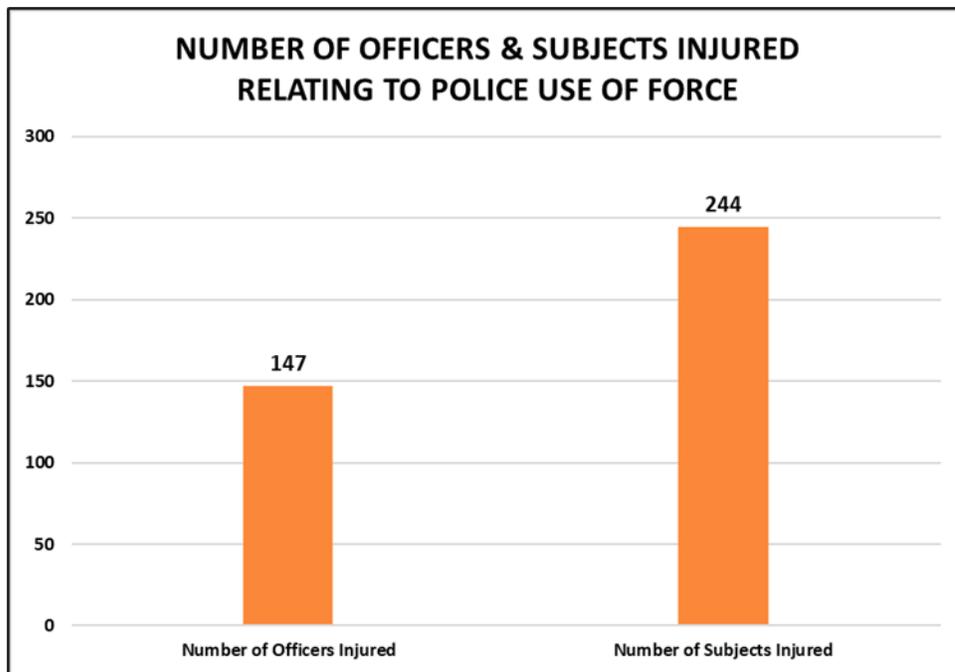
Injuries to Officers and Subjects

In 2022, 147 of 3,679 officers involved in use-of-force incidents reported a total of 183 injuries while handling the 1,415 use-of-force incidents. The *types* of officer injuries included 85 with bruises/soreness, 74 with lacerations/abrasions, eight with bite injuries, and 16 "other" reasons, which include blood exposure, exposure to bodily fluids, sprained ankle, cut on a body part, muscle strain, and concussion. There are instances where one officer can suffer multiple *types* of injury during one event and receive multiple *types* of *medical treatment*.

During the 1,415 use-of-force events, a total of 321 subjects in custody reported or claimed injury. However, only 244 [Figure 21] of the 321 subjects were injured as a direct result of the use-of-force incident; 77 subjects had injuries that were not a result of an officer's use of force. This could include pre-existing (before police contact) or self-inflicted by the *subject*.

An example would be an individual who cut their hand punching a glass door before police arrived and then resisted while being taken into custody for an EEP. Though their hand injury was unrelated to the encounter with officers, the subject would be transported to a Hospital for an EEP and medical treatment. In this example, the subject is not counted in Figure 21 (Number of Subjects Injured) but is represented in Figure 22 (Subject Medical Treatments).

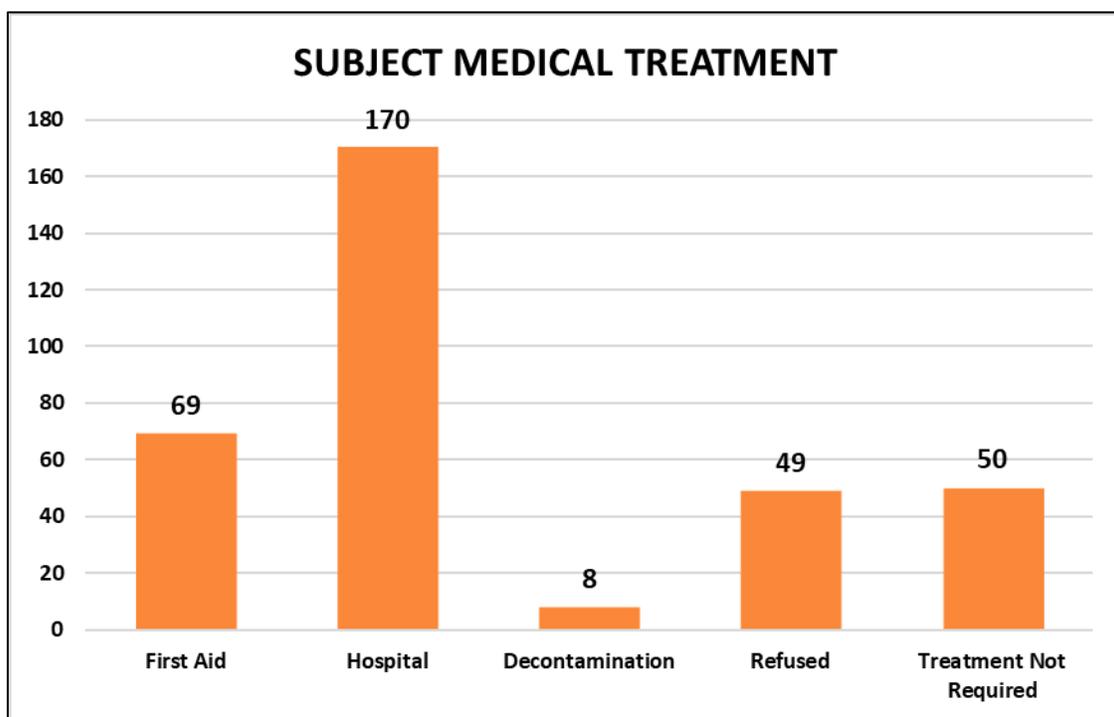
Figure 21. *Number of Officers & Subjects Injured relating to Police Use-of-Force*



Medical Treatment for Officers and Subjects

The following charts summarize the types of medical treatment administered to *subjects and officers* related to injuries recorded via a Use of Force Report in 2022. There were many instances where multiple medical treatments were provided to one subject, driving the total number of *treatments* higher than the *number* of injured people.

Figure 22. *Subject Types of Medical Treatments*



In 2022, basic first aid medical treatment was provided to 21% of injured subjects (69 of the 321); 170 subjects were treated at a hospital, eight received decontamination treatment, 49 refused medical treatment, and 50 subjects reported an injury that did not require treatment.

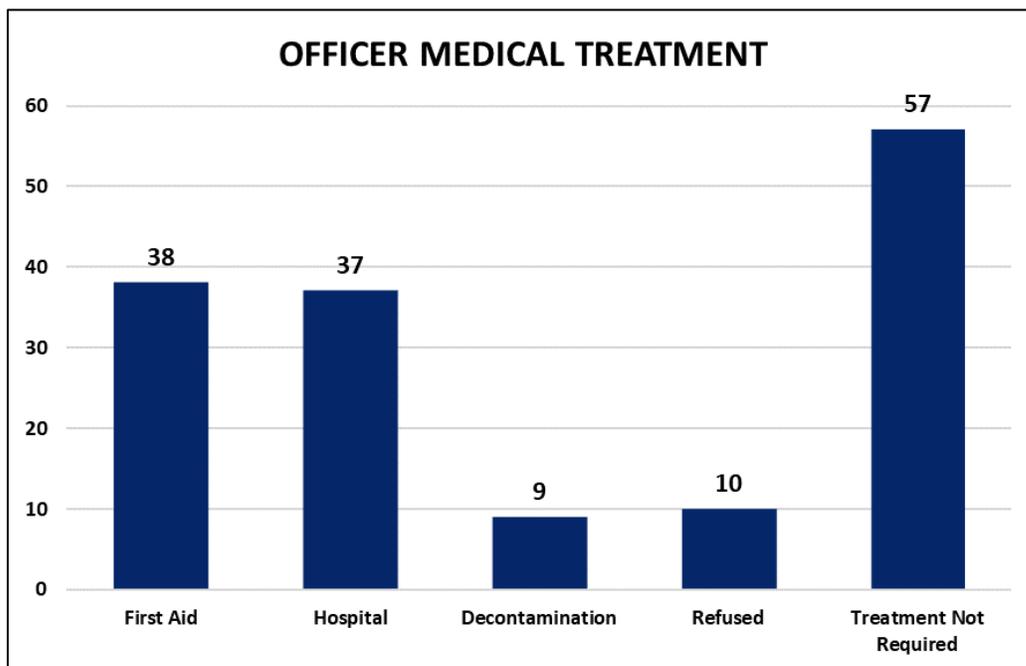
Note: *Decontamination* typically refers to procedures (e.g., flushing with water) to mitigate the effects of exposure to *OC Spray* being deployed by officers as a less lethal force option which can cause irritation to the eyes, nose, and throat of both officers and subjects depending on the circumstances of the incident.

The most severe *subject* injuries were not caused by police, including a pre-existing gunshot wound and broken bones after a car crash. Sixty of the subjects treated at the hospital were transported there for an EEP and received medical treatment only because they were already there, not because their injuries specifically required hospital treatment.



Although 321 subjects claimed an injury, only 244 of the injuries were directly related to the police use of force [Figure 21]; the other 77 non-related injuries may include a pre-existing or self-inflicted injury.

Figure 23. *Officer Types of Medical Treatment*



In 2022, a total of 151 *treatments* were administered to the 147 injured officers. In some incidents, multiple medical *treatments* were provided to a single officer, driving the total number higher than the number of injured officers.

Basic First Aid medical treatment was provided 25% of the time (38 of the 151 treatments); Hospitalization was provided 25% of the time (37 of the 151 treatments); Decontamination was provided 6% of the time (nine of the 151 treatments) Medical care was refused seven percent of the time (10 of the 151 treatments) and treatment was not required in 37% of the cases (57 of the 151 treatments).



Contributing Factors

In 2022, of the 1,415 use-of-force incidents, 55% (780) involved one *or more* of the three contributing factors, alcohol, drugs or mental illness. Only 45% (635) did not list alcohol, drugs, mental illness, or a combination of contributing factors. In 2022, a total of 945 *contributing factors* were listed in the 780 events. In some events, multiple contributing factors drove the total number higher than the number of events.

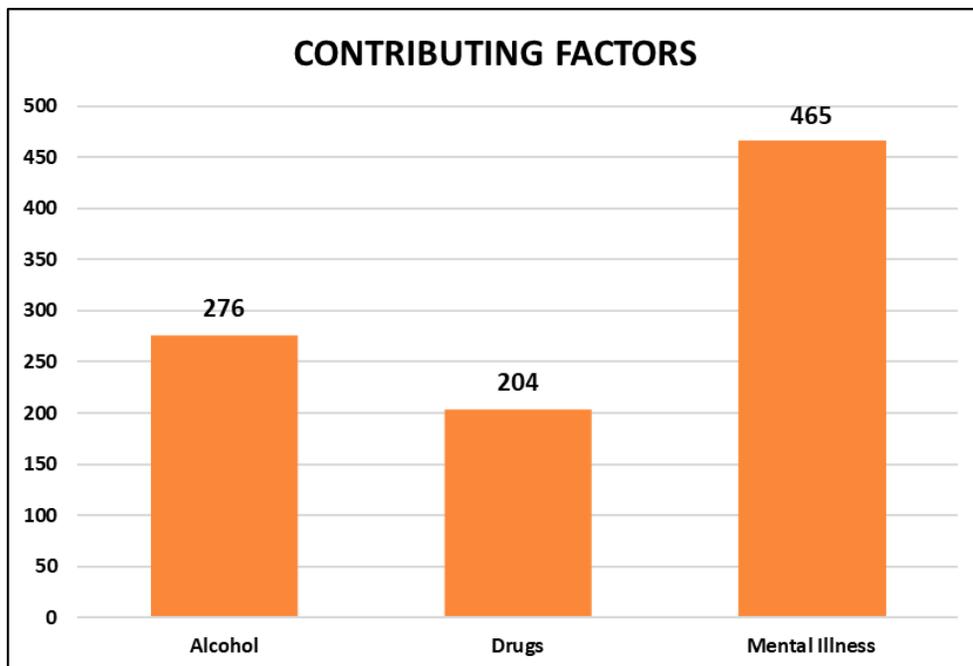
These contributing factors often result in officers needing to employ some force in response to resistance to safely control the situation due to an increased likelihood of non-compliance on the part of the subject(s) involved.

Alcohol was listed as a contributing factor in 276 of the 780 events; drugs were listed as a contributing factor in 204 of the 780 events, and mental illness was listed as a contributing factor in 465 of the 780 events. There were 37 instances where both alcohol and drugs were a factor and 73 where alcohol and mental illness both played a factor. Since multiple factors may have been involved in any encounter, and each factor is counted separately, the total contributing factors (945) may be higher than the total events (780).

Of the total use-of-force incidents (1,415), *alcohol* was a factor 20% of the time; *drugs* were a factor 14% of the time, and *mental illness* was a factor 33%. At least one of the three factors was present 55% of the time.

When a contributing factor was present (945), *alcohol* was present 29% of the time, *drugs* were present 22%, and *mental illness* was present 49% of the time.

Figure 24. *Contributing Factors associated with Uses of Force*



The Department places significant emphasis via policy and training on taking extra precautions and care when dealing with individuals with mental illness or experiencing a mental health crisis. Often, the Mobile Crisis Team (MCOT) is called to assist. In these situations, as well as when a subject may be under the influence of alcohol or drugs, there is an increased likelihood that officers may be confronted with increased resistance due to the subject's diminished mental state and impairment.

Officers often transport these individuals to a medical treatment facility as part of the emergency evaluation petition (EEP) process. Once at the medical facility, a medical or mental health professional can administer proper assessment and treatment.

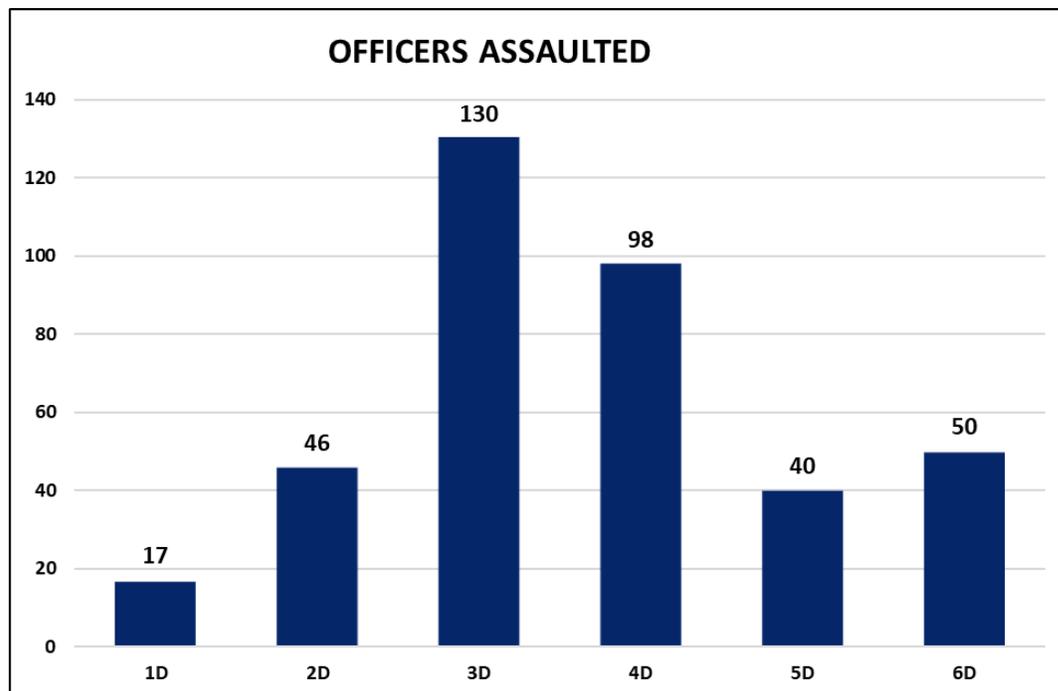
Officers Assaulted

For state and federal reporting requirements, the Department records information when an officer reports being *assaulted* or *ambushed*. In 2022, 381 officers were assaulted [Figure 24]. Although Figure 21 shows 147 officers reported 183 injuries, the majority of the injuries were sustained while being assaulted by *subjects*. Fortunately, not all officers who were assaulted were injured.

For context, 381 (of 3,679) officers reported being assaulted during 236 (of 1,415) use-of-force incidents. The number of officers assaulted is higher than the number of involved incidents due to more than one officer being assaulted during a single incident.

Officers Assaulted

Figure 25. Assaults on Officers by District of Occurrence



The data indicates that in 2022, most assaults against officers (60%) occurred during activities by officers in *Silver Spring* (3D) and *Wheaton* (4D). These assaults occurred while officers were responding to calls involving a variety of offenses, including *robberies, burglaries, domestic violence-related events, assaults, narcotics-related offenses, and disorderly conduct.*

In-Custody Deaths and Deadly Force Incidents

An *in-custody death* generally refers to the death of an individual while in the custody of law enforcement officers when the use of deadly force does not directly cause the death.

Death may occur from contributing circumstances, such as medical problems, that are identified or developed while a person is in police custody. No in-custody deaths occurred in 2022.

Deadly force is defined as any use of force that is intended to or likely to cause a substantial risk of death or serious physical injury. Officers may use deadly force to defend themselves or another person from what they reasonably believe is an imminent threat of death or serious physical injury. An officer-involved death is defined as an individual's death or potential death resulting from an action or omission by a law enforcement officer. In contrast, the officer is on duty or while off-duty but performing activities within the scope of their law enforcement duties. In some circumstances, these cases are reviewed by agencies outside the Department.

The Maryland General Assembly enacted [SB600, the Maryland Police Accountability Act of 2021](#), creating the Independent Investigations Division (IID) within the Office of the Attorney General (OAG). The IID is charged with investigating all alleged or potential officer-involved deaths of civilians beginning October 1, 2021. Investigations are conducted by the office's Independent Investigations Division and the Maryland State Police.

No deadly force-related incidents occurred in 2022 involving Montgomery County police officers.



Summary

The Department continues to provide use-of-force training at all levels, including recruit, in-service, and supervisory, emphasizing current case law, policy requirements, and best practices consistent with federal, state, and national standards and guidelines. The use of any force by MCPD officers in response to resistance continues to constitute a very small percentage of incidents compared to the overall calls for service that officers respond to daily and contacts they have during traffic stops and other activities. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions a law enforcement officer must make. The Department respects every human life's sanctity, dignity, and value, and deadly force is only employed in extreme circumstances.

Public perceptions of the police department are largely based on individual experiences and can certainly impact the legitimacy of police actions, especially those involving police use of force. The misuse of force violates the rights of the person against whom it is used and violates the trust that the public places in its police department. The public expects and deserves a culture of transparency, accountability, fairness, trust, and respect, and every Department member is held accountable for their actions. In today's environment of heightened public expectations and scrutiny of police department operations, it is important to emphasize that regardless of how well the Department believes it is fulfilling its mission, the ultimate measure of success is how well the Department can earn and sustain the trust and respect of the residents of Montgomery County.



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